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No. 09-1330

IN THE

***Supreme Court of the United States***

Rev. Dr. Willie Gerald Newsom, T.H.D., D.D.,

*Petitioner,*

v.

The United States, United States Justice Department, The State of Tennessee, State of Tennessee Department of Human Services, ET AL.

SUPPLEMENTAL *Respondent.*

**On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Sixth Circuit**

**~~MOTION FOR IMMEDIATE SUMMARY JUDGMENT~~**

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## PARTIES TO THE PROCEEDING

The following individuals and entities are parties in the court below:

Rev. Dr. Willie Gerald Newsom; The United States, United States Justice Department, The State of Tennessee, State of Tennessee Department of Human Services, Marianna Williams, Larry Blakeburn, Kimberly Childress Monteith, Kenny Monteith, Connie Haymon Scott, Telesa Taylor, Joni McGehee, Steve Stafford, Larry Newsom, Julio M. Pagan, Jan Stigall, Dyersburg Manor Nursing Home and Dyersburg State Gazette / Russ Communications Inc.

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## MOTION FOR IMMEDIATE SUMMARY JUDGMENT

Petitioner Rev. Dr. Willie G. Newsom respectfully submits this motion for immediate summary judgment to review the final order of the United States Court of Appeals for the Sixth Circuit that road-blocked this Petitioner's right to Due Process of Law.

## INTRODUCTION

This extremely well documented case is truly of immense national importance: Because it reveals very serious abuses by rebellious, out of control officials of our constitutionally guaranteed rights as U.S. citizens which if ignored by the U.S. Supreme Court and U.S. Congress can potentially like an invasive cancer destroy our wonderful, freedom-loving democracy.

## REASONS FOR GRANTING THIS MOTION

Article VI of the U.S. Constitution states Under Section 2: "This Constitution, and the

Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

Section 3: "The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any office or public Trust under the United States."

I. This Petitioner formally complains that Judges and personnel of the 6th Circuit and four (4) lower courts knew or should have known that they have all committed a felony offense when they illegally, dishonorably, unconstitutionally, and criminally ignored the Petitioner's and his Mother's statutory and constitutionally guaranteed inalienable rights.

A. They knew or should have known under the 14th Amendment of the U.S. Constitution that

all citizens are guaranteed Due Process of Law and a full hearing before an unbiased judge where their witnesses and evidence can be thoroughly reviewed.

1. The evidence shows that the Defendants road-blocked this Petitioner's and his Mother's constitutional right to legal representation and their right to appeal their unjust rulings that they made without any proof and without a hearing at any time.

2. The defendants criminally violated this Petitioner's 6th Amendment rights by falsely accusing him of crimes against his Mother in their filings and judging him as guilty of such without any proof, but they refused to respect his demand for a Trial by Jury to defend himself. It is a basic principle of law that all citizens are innocent until proven guilty by the preponderance of the evidence: And that they are not to be subjected to the abuse of one-sided rulings that denied them their rights to defend themselves against false charges.

3. All five courts have road-blocked by color of their position: The Petitioner's and his Mother's inalienable right of even a hearing.

B. The Petitioner has shown from the onset of the abuses of the identified defendants that he invoked the right of Trial by Jury for himself and his Mother: As his Mother's only General Durable

Power of Attorney, as his Mother's only care-giver for 22 years, as his Mother's legal voice during that period, and as her only executor of her will and estate.

1. The Petitioner has demanded from the onset that the various injuries that he himself has suffered by the actions of the defendants as well as the injuries of his Mother that were caused by the same defendants be addressed by a Trial by Jury only: An inalienable or guaranteed right that he has refused to revoke or relinquish.

a. The 7th Amendment to the U.S. Constitution states: "In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

b. Under the Federal Rules of Civil Procedure (FRCP) Rule 38(a) states: "(a) Right Preserved. The right of trial by jury as declared by the Seventh Amendment to the Constitution – or as provided by a federal statute – is preserved to the parties inviolate."

c. Under the FRCP Rule 39(a) states: "(a) When a Demand Is Made. When jury trial has been demanded under Rule 38, the action must be designated on the docket as a jury action. The trial on all issues so demanded must be by jury."

**II. The Judges and personnel of the 6th Circuit, of the U.S. Supreme Court, and of the U.S. District Court in Memphis, TN have all trapped themselves by a previous ruling pertaining to violations of U.S. Code 18 Chapter 13 § 242 that they all decided is a valid and constitutionally statutory law.**

A. U.S. Code 18 Chapter 13 § 242 makes it a felony offense to deny any U.S. citizen of his or her guaranteed / inalienable Constitutional and Civil Rights.

B. *United States of America v. David W. Lanier* (95-1717), 520 U.S. 259 (1997) "David Lanier was formerly the sole state Chancery Court judge for two rural counties in western Tennessee. Lanier was convicted under 18 U.S.C. § 242 of criminally violating the constitutional rights of five women."

III. If the 6th Circuit claims U.S. Code 18 Chapter 13 § 242 is no longer to be respected by them, then they must order the immediate release of Judge David Lanier and award punitive damages from the U.S. Government for unjust and false imprisonment.

A. *United States of America v. David W. Lanier*: U.S. District Court, Western District of Tennessee at Memphis case Nr. 92-20172 and U.S. Court of Appeals, 6th Circuit case

Nr. 93-5608.

a. This case was said by U.S. Prosecutors to be the foundation for future prosecution of Judges under U.S. Code 18, Chapter 13 § 242 for violations of constitutional and civil rights of any U.S. citizen.

b. The history of this case is of the following: **Judge David W. Lanier, Dyer county Chancellor**, Dyersburg, TN was convicted of allegedly violating U.S. Code 18, Chapter 13 § 242 by **color of authority** and in violation of the constitutional and civil rights of **Vivian Forsythe** and has already spent **13 years** in Federal Prison with **10 years** left to serve.

c. **Judge Steve Stafford** is the one that **Judge Lanier's** political enemies promoted to take Judge Lanier's bench and is the same Steve Stafford who has demonstrated his abuse in this case.

d. The Petitioner complains that the evidence will show that **Judge Lanier was rail-roaded** just like the Petitioner and his Mother by his political enemies for there was no **forensic evidence** and the prosecution's chief witness: according

to the book Power to Hurt and unknown to the jury had a history of heavy drug problems, of mental and emotional instability, and as one who had a history of large numbers of illicit affairs.

e. The book also pointed out that Vivian Forsythe's own mother said: "Judge Lanier had only sought to be kind to her."

f. Her own brother has told to this Petitioner that his sister told him with a grin on her face: that Federal Prosecutors guaranteed her much money to testify against Judge Lanier and now lives in luxury within the State of Florida..

g. This book also points out that none of the alleged victims ever made a single complaint against Judge Lanier until his political enemies had ambitious, biased, and conniving prosecutors to search them out and organize their efforts.

h. Each one of the witnesses was alleged to have received large amounts of money for their testimony for their alleged abuse by Judge Lanier.

B. The Petitioner can also state as can others:

that he personally knows Judge David W. Lanier and has known him to be church going and never known as one to use alcohol or drugs and never known to gamble or to smoke and always to this Petitioner to be good hearted and was deeply loved by his wife and children prior to his nightmare.

C. This Petitioner states: That Judge Steve Stafford and Judge Lanier's political enemies hate this Petitioner and his Mother for having spoken out on behalf of Judge Lanier.

D. In the interest of Justice this Petitioner respectfully demands that the lower court actions against him and his Mother be over turned immediately, and I highly recommend that Judge David W. Lanier's conviction be reevaluated by the U.S. Supreme Court in light of the above revelations.

IV. The Petitioner's Right to full relief by Law:

A. *Intera Corp. v. Henderson*, 428 F.3d 605, 620 (6th Circuit)(2005) decided: "a District court may grant a Rule 59(e) Motion to alter or amend or overturn a lower court action or it's own previous decision if there is: (1) Clear violation of Law; (2) Newly discovered evidence; (3) A need to prevent manifest injustice; (4) Or a change in controlling law." Such is also backed up by *Smith v. Walmart Stores, Inc.* 167 F.3d 286, 289 (6th Circuit) (1999) and by *Cockrel v. Shelby County*

*School District*, 270 F.3d at 1047 (6th Circuit) (2001).

B. *SCREWS et. al. v. United States*, 325 U.S. 91, 65 S.Ct. 1031 decided: "Since a State can act only through its officers, Congress provided for the prosecution of any officer who deprives others of their guaranteed rights and denied such an officer the right to defend by claiming the authority of the State can empower an officer to commit acts which the Constitution forbade the State from authorizing, whether such unauthorized command be given for the State by its legislative or judicial voice, or by a custom contradicting the written law. See *Nashville, C. & St. L. Ry. v. Browning*, 310 U.S. 362, 369, 60 S.Ct. 968, 972, 84 L.Ed. 1254."

C. The David Lanier case had extensive pre-trial publicity that would have tainted any jury pool. By comparison this Petitioner complains that the one-sided State Gazette article about the Petitioner and his Mother concerning the one-sided circumstances of December 19, 2005 without any hearing would have prejudiced the general public. Therefore, the State Gazette / Russ Communications violated the Petitioner's and his Mother's right to true justice and to Due Process of Law in violation of U.S. Code 18, Part I, Chapter 73 § 1518.

V. OBSTRUCTION OF JUSTICE SEEN:

A. The Petitioner states: That unethically judges of the 6th Circuit and the U.S. District Court of Memphis, TN have sought by the use of their positions to stonewall and obstruct a formal examination of the great amount of evidence that show their employers did commit the stated abuses and have caused the injuries that the Petitioner and his Mother have suffered by their negligence and/or their misconduct/malice, and the evidence shows of state-wide violations of the rights of the Elderly and Disabled persons in violation of *Olmstead v. L.C.*, (98-536) 527 U.S. 581 (1999). Such is confirmed by the Tennessee Disability Coalition and the AARP Public Policy Institute.

B. The judges of the 6th Circuit and U.S. District Court in Memphis, TN have sought to cover-up the evidence that Judge Steve Stafford and Judge Lee Moore placed their abusive and unjustified one-sided rulings without even a hearing. The first ruling was placed on the Petitioner's birthday (January 5, 2006) and the second ruling was placed on the Petitioner's Mother's birthday (May 21, 2007) proving that fraud and malice occurred and their desire to deliberately hurt the Petitioner and his Mother.

C. Thusly, such proves the Petitioner is entitled to an immediate Summary Judgment and punitive damages under the Tennessee Governmental Tort Liability Act and the Federal Tort Claims Act.

D. The judges from the 6th Circuit and the U.S. District Court Judge Samuel Mays conspired to cover-up the existence of the letter from the U.S. Attorney's Office in Memphis, TN proving that the defendants – the United States and U.S. Justice Department – are both in default under the requirements of Rule 12 Subpart 3(A) and Rule 55 of the FRCP that gives the right to the Petitioner for immediate summary judgment for all monetary damages and relief prayed for.

E. The judges of the 6th Circuit in their latest order knew or should have known that all the notarized filings of this Petitioner made on his behalf and that of his Mother were always filed in a very prompt and timely manner.

F. If this Petitioner is not awarded an immediate summary judgment: then a full U.S. Senate hearing will be demanded which should be called Elders Gate or Hell Gate.

VI. The Petitioner is entitled by law to immediate summary judgment by Rule 8(d) of the FRCP: Because the defendants have never argued issues of the case as seen in the justice tracking system and have never argued the injuries that the Petitioner has claimed they caused the Petitioner and his Mother. They are by law admitting their guilt of the charges of the Petitioner after 4 ½ years of failure to challenge any of the stated charges.

A. The Defendants have violated FRCP Rules 8(d), 9, 11, 12(3)(A), 15, 33, 37, 38(a), 39(a), 55, 56, 59(e), and 60: Showing this Petitioner's right to immediate summary judgment.

**B. The Petitioner was given full authority by FRCP Rule 15 and by Docket Nr. 45 ORDER by the U.S. District Court Judge Samuel Mays: To add the United States and the U.S. Justice Department and others that are identified as defendants in this case, since Judge Mays ordered an entirely new complaint to be filed.**

C. The Petitioner complains that he formally submitted a request to the U.S. District Court Judge Samuel Mays and the U.S. Court of Appeals for the Sixth Circuit, as a bed-ridden and SSI recipient on behalf of himself and his Mother to be assigned legal representation under 28 U.S.C. § 1915, but each court refused the requests.

D. Retired Judge Darryl White as the President of the Retired Judges Association of the United States told this Petitioner by phone: "We are saddened and angered that there are still judges in America that have been allowed to sit on a bench who swore to uphold the U.S. Constitution if placed on that bench who are now ignoring the rights of citizens that are guaranteed under the U.S. Constitution. Every freedom loving American should let their voices be heard if they do not want their democracy to be destroyed by such abuses."

E. Retired Judge Lyman Ingram said to this

Petitioner: "All of your filings are excellent to me and show that the defendants caused you and your Mother to be injured; you are entitled to summary judgment by law. I think that Judge Samuel Mays is trying to oppress you and your Mother and that he and the other judges are trying to run interference for the defendants of your case by trying to use unjust and illegal stalling tactics when they know that you are entitled to summary judgment."

VI. STATUTORY PROTECTION INVOKED:

**This Petitioner invokes U.S. Code 28 § 2111 to shield this filing from unjust criticism and harmless errors, as he did in all of his filings, including his ordered Amended Complaint filed with the U.S. District Court in Memphis, TN.**

CONCLUSION:

A. This case sparked a national investigation by the U.S. Government Accountability Office that discovered and has reported in GAO Report Nr. 10-434R: That almost 70% of Nursing Homes Nation-Wide were found to seriously under report abuses and negligence of those Nursing Homes in reference to Dehydration, Malnutrition, Broken Bones, Bed Sores, and other injuries. The same

report states: The State of Tennessee had 86.4% of its Nursing Homes to under report their general deficiencies in the above indicated areas of concern.

B. This Petitioner pleads with the U.S. Supreme Court in the interest of justice to permit formal examination of the evidence filed by this Petitioner: That prove the key Defendants allowed wide-spread enslavement of Senior citizens and Disabled persons without Due Process of Law.

C. This Petitioner invokes his Title II right to a video teleconference to address the Court in this matter pertaining to the well being and safety of all American citizens in regard to this serious situation.

D. The Petitioner respectfully challenges the honorable Judges of the U.S. Supreme Court to carefully review the En Banc Brief of the Appellant and the Composite Reply Brief of the Appellant that were submitted to the U.S. Court of Appeals for the Sixth Circuit: As well as the Petitioner's Amended Complaint that was submitted to the U.S. District Court Western District of Tennessee: Noted as Docket Entry 68.

E. The Petitioner respectfully demands either immediate Summary Judgment or an order for

**immediate Trial by Jury before the U.S. Supreme Court in accordance with 28 U.S.C. § 1872 or an order to the U.S. District Court to hold a Trial by Jury with a new judge assigned immediately.**

Respectfully Submitted under penalty of perjury:

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June 10, 2010

**TITLE 28--JUDICIARY AND JUDICIAL PROCEDURE PART IV--JURISDICTION AND VENUE CHAPTER 85--DISTRICT COURTS; JURISDICTION Sec. 1331.**

Federal question: The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

## TITLE 28--JUDICIARY AND JUDICIAL PROCEDURE PART IV--JURISDICTION AND VENUE CHAPTER 85--DISTRICT COURTS; JURISDICTION Sec. 1343.

Civil rights and elective franchise: (a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person: (1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42; (2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent; (3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States; (4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote. (b) For purposes of this section-- (1) the District of Columbia shall be considered to be a State; and (2) any Act of Congress applicable

exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

**TITLE 28--JUDICIARY AND JUDICIAL PROCEDURE PART IV--JURISDICTION AND VENUE CHAPTER 89--DISTRICT COURTS; REMOVAL OF CASES FROM STATE COURTS Sec. 1443.**

Civil rights cases: Any of the following civil actions or criminal prosecutions, commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending: (1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof; (2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law.

**TITLE 42--THE PUBLIC HEALTH AND WELFARE CHAPTER 21--CIVIL RIGHTS SUBCHAPTER I--GENERALLY Sec. 1981.**

Equal rights under the law: (a) Statement of equal rights All persons within the jurisdiction of the United States shall have the same right in every [[Page 3691]] State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other. (b) ``Make and enforce contracts'' defined For purposes of this section, the term ``make and enforce contracts'' includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship. (c) Protection against impairment The rights protected by this section are protected against impairment by nongovernmental discrimination and impairment under color of State law.

## TITLE 42--THE PUBLIC HEALTH AND WELFARE CHAPTER 21--CIVIL RIGHTS SUBCHAPTER I--GENERALLY Sec. 1983.

Civil action for deprivation of rights: Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.